

FISCAL NOTE

Bill #: SB0013

Title: Reduce DUI blood alcohol to .08 for federal highway aid funds

Primary Sponsor: Mahlum, D

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$21,484	\$21,484
Revenue:		
General Fund	\$30,000	\$30,000
Net Impact on General Fund Balance:	\$8,516	\$8,516

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Department of Transportation

1. The budget submission from the Department of Transportation did not include a deduction for sanctions from the Federal Highway Administration for failure to pass a 0.08 blood alcohol content (BAC) law. If this bill is passed there will be no fiscal impact. Failure to pass the bill will result in annual sanctions starting with 2 percent in federal fiscal year 2004 and increasing to 8 percent in federal fiscal year 2008 and 8 percent per year in each subsequent year. Funds withheld will lapse in four years if no 0.08 BAC is passed. This is a loss of \$114.8 million over the next nine years. A schedule of sanctions follows:

FFY 2004	2% withheld	\$ 3.8 million
FFY 2005	4% withheld	\$ 7.7 million
FFY 2006	6% withheld	\$11.5 million
FFY 2007	8% withheld	\$15.3 million
FFY 2008	8% withheld	\$15.3 million
FFY 2009	8% withheld	\$15.3 million
FFY 2010	8% withheld	\$15.3 million
FFY 2011	8% withheld	\$15.3 million
FFY 2012	8% withheld	\$15.3 million

Fiscal Note Request SB0013, As Introduced

(continued)

Department of Justice – Motor Vehicle Division

2. All references to a blood alcohol content for driving under the influence for driver improvement actions for non-commercial drivers will be changed to reflect the 0.08 BAC imposed by this bill.
3. The Motor Vehicle Division would absorb the anticipated limited increase in the driver control actions that would be generated as a result of this bill. Historically, states in the Northwest that have implemented the change from 0.10 to 0.08 BAC have experienced a limited increase in the number of DUI/BAC convictions due to higher levels of public awareness.
4. New violation and ACD codes and new restriction codes as well as new driver improvement letters will need to be added to the driver licensing computer application. The driver licensing system will maintain the current 0.10 convictions on driver history records. These changes to the driver licensing computer system application, estimated at \$2,468 for programming development and implementation, would be absorbed by the division.

Department of Justice – Montana Highway Patrol

5. Under the conditions of this bill and based on information from other states comparable to Montana who have recently gone to .08 BAC, the Montana Highway Patrol will make an additional 200 arrests per year.
6. The average fine for these citations will be \$300, which will generate \$60,000 (200 arrests and convictions x \$300 = \$60,000).
7. Fifty percent or \$30,000 of the revenue will go to local governments and fifty percent or \$30,000 will go to the state general fund.
8. The 200 arrests will equate to roughly 400 additional days of jail time. The MHP pays local governments to house their prisoners. The jail costs expenditures are paid by the general fund.
9. The average cost per day for prisoners in county jails is \$53.71 per day for a cost of \$21,484 (400 prisoner days x \$53.71 = \$21,484).

FISCAL IMPACT:

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Department of Justice		
<u>Expenditures:</u>		
Operating Expenses	\$21,484	\$21,484
<u>Funding of Expenditures:</u>		
General Fund (01)	\$21,484	\$21,484
<u>Revenues:</u>		
General Fund (01)	\$30,000	\$30,000
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	\$8,516	\$8,516